

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

704-0011

STIPULATED AGREEMENT NO. 1063

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), the Oskaloosa Road District ("ROAD DISTRICT"), Clay County ("COUNTY") and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application to the Crossing Safety Improvement Program that inquiry should be made into the matter of improving public safety at the TR219/1000N and TR231/950N bridge crossings of the Company's track located near Xenia, Clay County, Illinois, designated as crossings AAR/DOT 295 112N, milepost 11.55-U and AAR/DOT 295113V, milepost 12.07-U; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team including a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 and A-2, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

- (a) TR219 – Demolition and removal of the existing timber structure and replacement of said structure with a three span, precast, prestressed, concrete deck beam bridge. (See Exhibit B.)
- (b) TR231 – Vacate, abandon, demolish and remove the existing timber structure.

Section 3 The County, on behalf of the Road District, has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The County shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission, the Department and the Company.

Section 4 The County shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 180 days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be: (See Exhibit C: Cost Division Table)

- (a) The costs for the improvements listed in Section 2 are estimated to be \$639,000. The Grade Crossing Protection Fund should pay 60% of the actual installation cost, not to exceed \$383,400. The Company should pay \$50,000. The Road District should pay all remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B.)
- (b) The Company shall pay the Road District \$50,000 upon the completion of the vacation, abandonment, demolition and removal of the existing TR231 grade separation structure.

Section 6 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7

Special Provisions:

Any and all contractors engaged by the County and/or Road District to perform project related work within the Company's right-of-way should comply with Articles 107.10, 107.11 and 107.12 of the Department's most current "Standard Specifications for Road and Bridge Construction".

The Road District shall submit to the Commission copies of the vacation ordinances or other legal documents that show the approaches and structure within the Company's ROW of the TR231 bridge crossing has been vacated.

Prior to demolition of the TR231 structure the Road District shall install all permanent barricades and appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. Maintenance of said barricades and signage shall be the responsibility of the Road District.


The County shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of County employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the District 7 Office of the Department (Stanley E. Grabski, Attn: Charles Slavens Jr., Illinois Department of Transportation, 400 W. Wabash, Effingham, IL 62401). The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

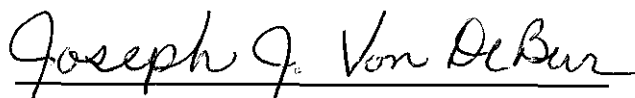
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **1st** day of **October 2003**.

A handwritten signature in black ink, appearing to read "M. E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Joseph J. Von De Bur", written over a horizontal line.

Joseph J. Von De Bur
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1063 concerning improvements at the TR219/1000N and TR231/950N bridge crossings of the Illinois Central Railroad Company's tracks near Xenia, Clay County, Illinois, designated as crossings AAR/DOT 295 112N, milepost 11.55-U and AAR/DOT 295113V, milepost 12.07-U.

Executed by the COUNTY this 14th day of October 2003.

CLAY COUNTY

By: Robert Stoff

Attest:

Shyela Miller

Illinois Commerce Commission Stipulated Agreement No. 1063 concerning improvements at the TR219/1000N and TR231/950N bridge crossings of the Illinois Central Railroad Company's tracks near Xenia, Clay County, Illinois, designated as crossings AAR/DOT 295 112N, milepost 11.55-U and AAR/DOT 295113V, milepost 12.07-U.

Executed by the DEPARTMENT this 17th day of November 2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modersohn
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1063 concerning improvements at the TR219/1000N and TR231/950N bridge crossings of the Illinois Central Railroad Company's tracks near Xenia, Clay County, Illinois, designated as crossings AAR/DOT 295 112N, milepost 11.55-U and AAR/DOT 295113V, milepost 12.07-U.

Executed by the ROAD DISTRICT this 28 day of October 2003.

OSKALOOSA ROAD DISTRICT

By: Jesse Bonham

Attest:

Steve M. Kelly

Illinois Commerce Commission Stipulated Agreement No. 1063 concerning improvements at the TR219/1000N and TR231/950N bridge crossings of the Illinois Central Railroad Company's tracks near Xenia, Clay County, Illinois, designated as crossings AAR/DOT 295 112N, milepost 11.55-U and AAR/DOT 295113V, milepost 12.07-U.

Executed by the COMPANY this 27 day of January 2003.

ILLINOIS CENTRAL RAILROAD
COMPANY

By: Paul E. Bradue
Region Manager Contracts
and Administration

Attest:

Cynthia A. Bergmann
Cynthia A. Bergmann
Assistant Secretary

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT – CROSSING DATA FORM
EXISTING HIGHWAY OVER RAILROAD**

GENERAL INFORMATION:

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	295 112N, 11.55-U
STREET, CITY, COUNTY	Township Road (TR) 219/1000N, near Xenia, Clay County
JURISDICTION (RDWY)	Oskaloosa Road District
LOCATION	Rural, Agricultural

BRIDGE DATA: See Illinois Department of Transportation, Master Structure Report

IDOT STRUCTURE NO.	013-9910
STRUCTURE DESCRIPTION	Seven (7) span timber bridge with timber deck on timber pile bent piers and abutments. 104'-00" long x 16'-0" wide.

ROADWAY DATA:

APPROACH SURFACE	20 Foot Wide, Gravel, Two-Lane, Two-Way, Fair condition
ADT & SPEED	15 Vehicles Per Day, Speed not posted
TRAFFIC TYPE	Passenger, Agricultural, Possible School Buses, Possible Hazardous Materials

RAILROAD DATA:

TRACKS & DIRECTION	One Set of North-South Tracks
FREIGHT TRAFFIC	10 Per day @ 60 MPH, No Switch Movements, Day & Night
PASSENGER TRAFFIC	No Passenger Traffic

COMMENTS:

See Exhibit A-1, Pages 4 & 5: Illinois Department of Transportation, Master Structure Report.

Structure currently has a posted load limit of 13 tons.

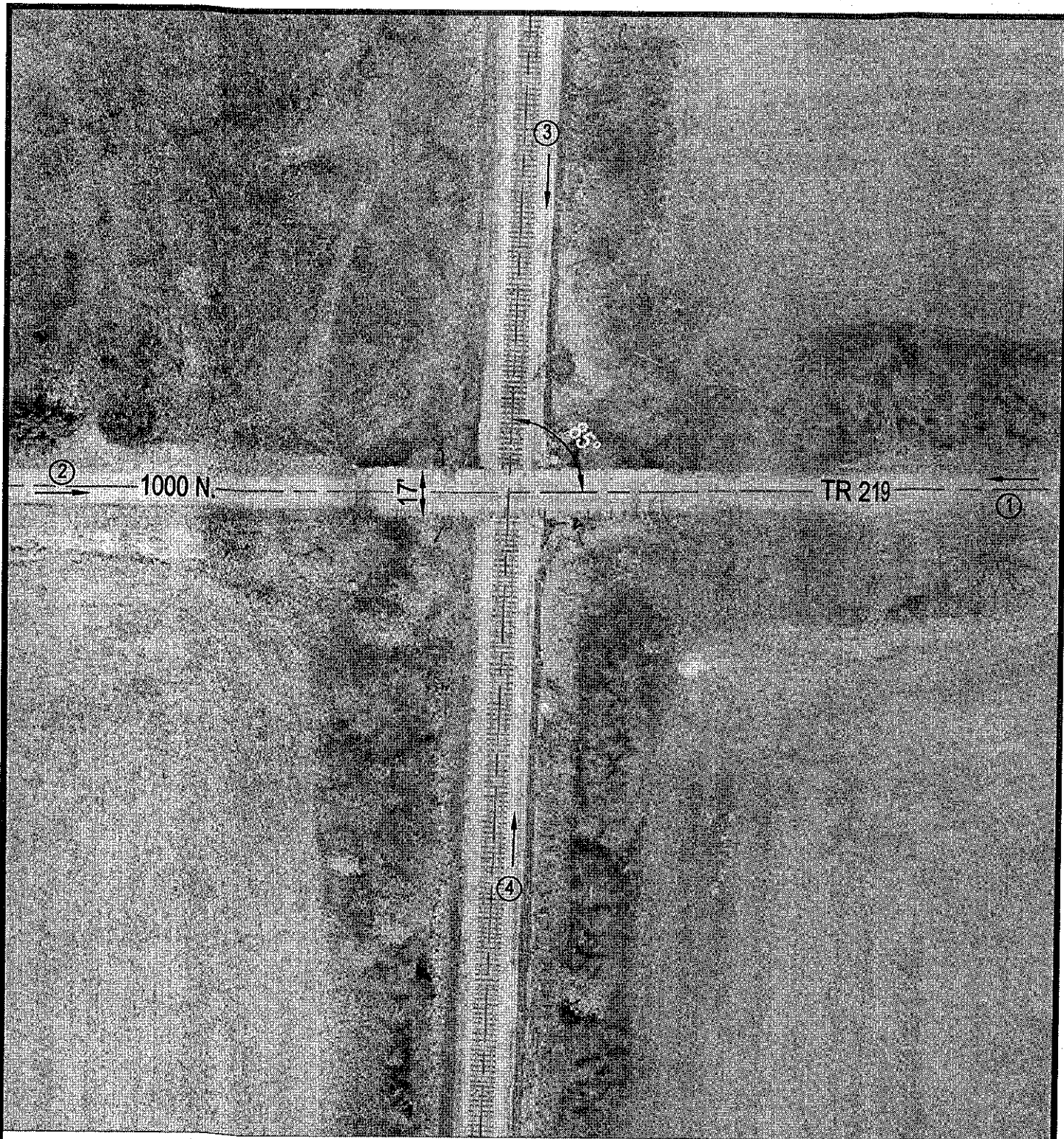
Proposed Cost Division:

Grade Crossing Protection Fund	%60
Oskaloosa Road District	%40
Illinois Central RR	The IC will pay the Road District a set sum of \$50,000 towards the reconstruction of the TR219 structure

Page 2 --- Location Sketch

Page 3 --- Photographs

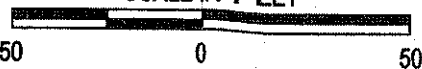
Page 4, 5 --- IDOT, Master Structure Report



CLAY 295112N 295112NDWG 03/02/00 05:52 JTS



SCALE IN FEET



③ Photo Location

Crossing #: 295112N

Location: Clay Co., City of Xenia (N)

Lat/Long: 38°45'11" / 88°41'06"

Railroad: Illinois Central Railroad Company

Street: 1000 N/TR219

Railroad Milepost: 11.55-U

IDOT Str. No.: 013-9910



Photo #1: Looking West



Photo #2: Looking East

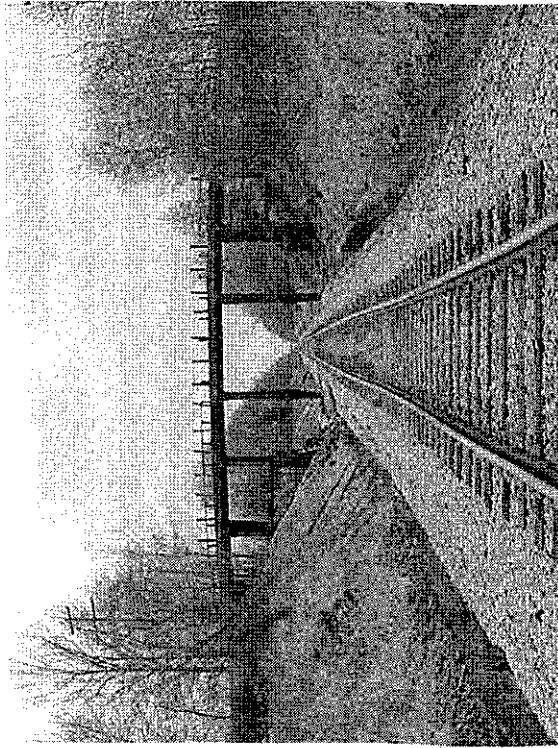


Photo #3: Looking South

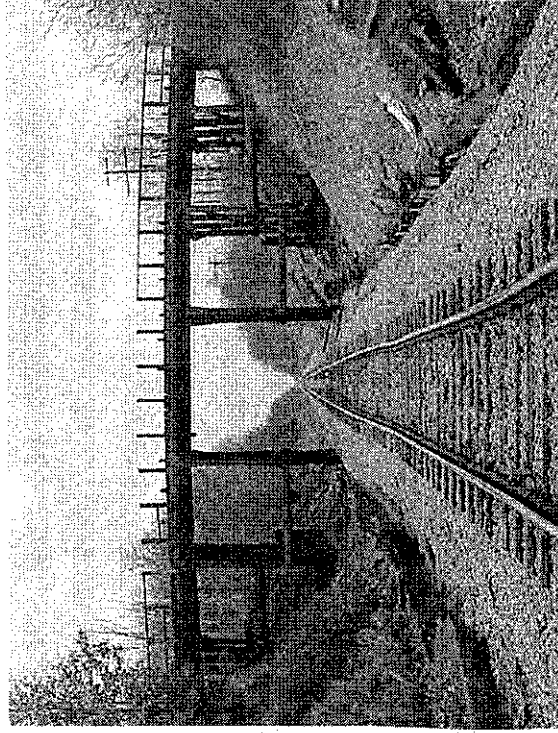


Photo #4: Looking North

Illinois Department of Transportation
Structures Information Management
System
Master Structure Report (S-107)

Date: 6/16/2003
Page 1

Structure	013-9910	District: 7
Facility Carried:	TR-219	
Feature Crossed:	ICG RR	
Bridge Remarks:		
Bridge Status:	2 OPEN - LOAD POSTED	StatusDate: 04/1988
Status Remarks:		
Maint County:	013 CLAY	Maint Township: 08 OSKALOOSA
Maint Responsibility:	06 RAILROAD	
Service On/Under:	1 HIGHWAY	/ 2 RAILROAD
Reporting Agency:	2 I.D.O.T. - BUREAU OF LOCAL ROADS	
Main Span Matl/Type:	7 TIMBER	/ 02 STRINGER/MULTI-BEAM/GIRDER
Nbr Of Main Spans:	7	Nbr Of Approach Spans: 0
Approaches		
Near #1 Matl/Type:	/	
Near #2 Matl/Type:	/	
Far #1 Matl/Type:	/	
Far #2 Matl/Type:	/	
Median Width/Type:	0 Ft. / 0 None	
Guardrail Type L/R:	0 None / 0 None	
Toll Facility Indicator:	0 No Toll	
Latitude:	38 D 45 M 10.83 S	Longitude: 88 D 41 M 7.09 S
Deck Structure Type:	L TIMBER	Deck Structure Thickness: 4.0
Sidewalks Under Structure:	0 None	
Key Route On Data		
Key Route Nbr:	TOWNSHIP OR ROAD DISTRICT	Station: 000.610
Appurtenances	Main Route	00.000
Inventory County:	013 CLAY	Segment: Y
Township/Road Dist:	08 OSKALOOSA	
Municipality:	0000	
Urban Area:	None	
Functional Class:	60 LOCAL ROAD, (NON-URBAN)	
** CLEARANCES **	South/East North/West	
Max Rdwy Width:	015.8	
Horizontal:	000.0	
Min Vertical:	99 Ft 11 In 00 Ft 00 In	
10 Ft Vertical:	99 Ft 11 In 00 Ft 00 In	
Lateral:		
*** Marked Route On Data ***		
Route #1:	1 Mainline	Designation
Route #2:		Kind
Route #3:		Number
	4 FAS, CH, or TR's Unmarked	0219
Inventory Data		
Bridge Name:	T4N R5E SEC 31	
Location:	2 MI W OSKALOOSA	
Sufficiency Rating:	20.2	Structure Length: 104.0
HBRRP Eligible:	Yes	AASHTO Bridge Length: 99.9
Replaced By:	000-0000	Length of Long Span: 20.0
Replaces:	000-0000	Bridge Roadway Width: 15.8
Last Update Date:	04/29/2003	Appr Roadway Width: 20.0
Parallel Structure:	None	Deck Width: 16.0
Multi-Level Structure Nbr:		Sidewalk Width Right: 0.0
Skew Direction:	None	Sidewalk Width Left: 0.0
Skew Angle:	00 D 00 M	S Navigation Control: N N/A
Structure Flared:	No	Navigation Horiz Clear: 0
Historical Significance:	No	Navigation Vert Clear: 0
Border Bridge State:		Culvert Fill Depth: 0.0
Bdr State SN:		Number Culvert Cells: 0
Bdr State % Responsibility:		0 Culvert Opening Area: 0.0
Structural Steel Wt:		0 Culvert Cell Height: 0.00
		Culvert Cell Width: 0.00
		Rate Method: 2 ALLOWABLE STRESS
		Load Rating Date: 10/15/1997
		Rated By: 2 IDOT
		Operating Rating: 8.1 (215)
		Inventory Rating: 11.4 (221)
		Design Load: 99 UNKNOWN
		Deck Structure Thickness: 4.0
Key Route Under Data		
Station:		
Segment:		
Linked:		
Natl. Hwy System:		
Inventory Direction:		
Curr AADT Yr/Count:		/
Est Truck Percentage:		
Number Of Lanes:		
One Or Two Way:		
Bypass Length:		
Future AADT Yr/Cnt:		/
Designated Truck Rte:		
Special Systems:		
*** Marked Route Under Data ***		
Designation	Kind	Number

